

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION	
	CLASS	SUBCLASS	EXAMINER	ART UNIT
12008.39USC1	600	347000	P. Mallari	3736

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV347831415US

Date of Deposit: November 25,, 2003

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

*Teresa Anderson*

Name: Teresa Anderson

CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 09/595,708, filed on June 16, 2000 entitled MASS TRANSPORT LIMITED IN VIVO ANALYTE SENSOR by the following inventor(s):

Full Name Of Inventor	Family Name SAY	First Given Name JAMES	Second Given Name L.
Residence & Citizenship	City ALAMEDA	State or Foreign Country CALIFORNIA	Country of Citizenship US
Post Office Address	Post Office Address 6 REMMEL CT.	City ALAMEDA	State & Zip Code/Country CALIFORNIA 94502 / USA
Full Name Of Inventor	Family Name SAKSLUND	First Given Name HENNING	Second Given Name
Residence & Citizenship	City PLEASANT HILL	State or Foreign Country CALIFORNIA	Country of Citizenship DENMARK
Post Office Address	Post Office Address 64 ROLLING GREEN CIRCLE	City PLEASANT HILL	State & Zip Code/Country CALIFORNIA 94523 / USA
Full Name Of Inventor	Family Name TOMASCO	First Given Name MICHAEL	Second Given Name F.
Residence & Citizenship	City DANVILLE	State or Foreign Country CALIFORNIA	Country of Citizenship US
Post Office Address	Post Office Address 41 TURRINI COURT	City DANVILLE	State & Zip Code/Country CALIFORNIA 94526 / USA
Full Name Of Inventor	Family Name AUDETT	First Given Name JAY	Second Given Name D.
Residence & Citizenship	City MOUNTAIN VIEW	State or Foreign Country CALIFORNIA	Country of Citizenship US
Post Office Address	Post Office Address 1195 BRYANT AVENUE	City MOUNTAIN VIEW	State & Zip Code/Country CALIFORNIA 94040 / USA

<b>Full Name Of Inventor</b>	<b>Family Name</b> CHO	<b>First Given Name</b> HYUN	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> BERKELEY	<b>State or Foreign Country</b> CALIFORNIA	<b>Country of Citizenship</b> SOUTH KOREA
<b>Post Office Address</b>	<b>Post Office Address</b> 2540 COLLEGE AVENUE #105	<b>City</b> BERKELEY	<b>State &amp; Zip Code/Country</b> CALIFORNIA 94704 / USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> YAMASAKI	<b>First Given Name</b> DUANE	<b>Second Given Name</b> O.
<b>Residence &amp; Citizenship</b>	<b>City</b> EL CERRITO	<b>State or Foreign Country</b> CALIFORNIA	<b>Country of Citizenship</b> US
<b>Post Office Address</b>	<b>Post Office Address</b> 1231 NORVELL STREET	<b>City</b> EL CERRITO	<b>State &amp; Zip Code/Country</b> CALIFORNIA 94530 / USA
<b>Full Name Of Inventor</b>	<b>Family Name</b> HELLER	<b>First Given Name</b> ADAM	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> AUSTIN	<b>State or Foreign Country</b> TEXAS	<b>Country of Citizenship</b> US
<b>Post Office Address</b>	<b>Post Office Address</b> 5317 VALBURN CIRCLE	<b>City</b> AUSTIN	<b>State &amp; Zip Code/Country</b> TEXAS 79731 / USA

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, a signed oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 22 pages of specification, 41 claims, 1 page of abstract, 14 sheets of drawings, and 10 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
2. ☒ Cancel original claims 2-41 of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

**CLAIMS AS FILED**

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b>				
1 -20	0	x	\$18.00	0.00
<b>INDEPENDENT CLAIMS</b>				
1 -3	0	x	\$86.00	0.00
			<b>BASIC FILING FEE:</b>	<b>\$770.00</b>
			<b>TOTAL FILING FEE:</b>	<b>770.00</b>

☐ Small entity status is claimed pursuant to 37 CFR 1.27.

4. ☒ Payment of fees:  
☒ Attached is a check in the amount of 770.00  
☐ Please charge Deposit Account No. 13-2725.
5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.
6. ☒ Amend the specification by inserting before the first line the sentence:  
  
"This application is a continuation of application Serial No. 09/595,708, filed June 16, 2000, which application(s) are incorporated herein by reference."
7. ☒ A set of formal drawings (14 sheets) is enclosed.
8. ☐ Priority of application Serial No. , filed on in , is claimed under 35 U.S.C. 119.  
☐ The certified copy has been filed in prior application Serial No. , filed .
9. ☒ The prior application is assigned of record to TheraSense, Inc. located at Alameda, California.
10. ☒ The Power of Attorney in the prior application is to:  
  
Merchant & Gould P.C.  
Minneapolis, MN 55402-2215
11. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)  
☐ Fee for excess claims is attached.
12. ☐ A petition and fee has been filed to extend the term in the prior application until . A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☐ A Nonpublication Request under 37 CFR 1.213(a) is enclosed.
15. ☒ Also Enclosed: Information Disclosure Statement, Form 1449
16. ☒ Address all future communications to the **Attention of Mara E. Liepa** (may only be completed by attorney or agent of record) at the address below.

17. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

**23552**

PATENT TRADEMARK OFFICE

Date: 25 November 2003

Mara E. Liepa  
Mara E. Liepa  
Reg. No. 40,066  
MELIEPA:rlr